

S.C.

Notice of Allowability	Application No.	Applicant(s)	
	10/667,718	BANNERT, GEORG	
	Examiner	Art Unit	
	Sing P Chan	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to _____.
2. The allowed claim(s) is/are 1-6 and 11-16.
3. The drawings filed on 22 September 2003 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20030922
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.



CURTIS MAYES
PRIMARY EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scot M. Slomowitz on July 9, 2004.

The application has been amended as follows:

Claims 7-10 are canceled.

Allowable Subject Matter

2. Claims 1-6 and 11-16 are allowed.

3. The following is an examiner's statement of reasons for allowance: The claims recite a method and an apparatus for forming the double labels. The method includes supplying two labels of unequal size attached to respective carrier by adhesive, detaching the two labels from their respective carrier, and placing and adhering the two labels together with the adhesive surface facing each other to form the double label.

The apparatus includes feed devices for supplying the labels from the carrier, dispensing device for detaching the labels from the carriers, putting the labels together and adhering them to one another with their adhesive surfaces facing one another.

Miyaji (U.S. 5,466,321) discloses a method and an apparatus for forming double superposing labels. The method includes providing label paper with adhesive on the

lower surface and release paper covering the label paper, cutting the label paper to form two separate label papers tape, separating one of the release paper from the first label paper tape, looping the second label paper tape with its release paper to superposing the second label paper tape under the first label tape and adhering the first label paper tape onto the top surface of the second label tape. (Col 5, line 41 to Col 6, line 4 and Col 6, lines 44-60) Miyaji does not disclose superposing the first and second labels with the adhesive surface facing one another and the labels are unequal in size. Langan et al (U.S. 5,707,713) discloses a method and an apparatus for forming double-sided linerless labels. The method includes providing two label substrates, coating the label substrates with incompatible adhesive, adhering the label substrates in a face-to-face orientation with the adhesive facing one another. (Col 5, lines 41 to Col 6, line 34) Langan et al does not disclose using a release liner or carrier for the label substrate, removing the release liner or carrier from the label substrate prior to adhering the label substrate, and the label substrates are unequal in size. Morgan (U.S. 5,560,657) discloses a tamper indicating label. The label includes a rectangular or square base with a fold line to allow the base to be folded and divide the base into two halves with one half with a tongue, i.e. unequal size, the rear face of the base is coated with adhesive and when folded the adhesive on two halves are place in a face-to-face relationship and the adhesive is also partially along the tongue, a cover layer of paper protect the adhesive on the base and is peeled away to apply the label to a container. (Col 3, lines 28-57) Morgan is silent as to providing the two halves as two labels on respective carriers and separating labels from their respective carriers. A search of the

prior art of record did not disclose reference or reference in combination with the recited features.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Logan et al (U.S. 5,466,501) discloses sign making web. The web composed of a base layer of a heavy paper, a sign layer of colored plastic, and a permanently tacky adhesive sandwiched between the base layer and the sign layer. The sign layer is cut to form characters and waste material removed, which form a sign layer of a smaller dimension to the base layer. Structure as disclosed satisfied the requirement of two labels with unequal sizes and an adhesive layer once the two adhesive surfaces on the labels are adhered to one another.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P Chan whose telephone number is 571-272-1225. The examiner can normally be reached on Monday-Friday 7:30AM-11:15AM and 12:15PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A Fiorilla can be reached on 571-272-1187. The fax phone

Art Unit: 1734

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan Amy P
spc


CURTIS MAYES
PRIMARY EXAMINER